

BEFORE
THE PUBLIC SERVICE COMMISSION OF
SOUTH CAROLINA
DOCKET NO. 2000-315-C - ORDER NO. 2000-564 ✓

JULY 10, 2000

IN RE: Application for Approval of an Agreement Between GTE South and Bell Atlantic Network Data, Inc.) ORDER WAIVING) POLICY AND) APPROVING) AGREEMENT ON A) CONTINGENCY BASIS
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This matter comes before the Public Service Commission of South Carolina (the Commission) on the Motion of Bell Atlantic Network Data, Inc. (BAND) for Waiver of Rules and for Approval of Interconnection Agreement Prior to Certification. BAND requests that this Commission waive its policy of not accepting interconnection agreements for filing and approval unless and until the competitive local exchange carrier offering the agreement has been certified by this Commission, and that we accept and approve an interconnection agreement between BAND and GTE South Incorporated (GTE). We note that BAND has now applied for a Certificate of Public Convenience and Necessity from this Commission to provide service on an intrastate basis in South Carolina.

The Motion notes that BAND was formed in response to the June 16, 2000 Order of the Federal Communications Commission (FCC) approving conditions of the merger between Bell Atlantic Corporation and GTE Corporation, including that the merged Company must provide certain defined Advanced Services in South Carolina through a

structurally separate affiliate. As another condition of the merger between the two companies, the FCC requires that the interconnection agreement between the affiliate and GTE be filed with the State Commission for approval. It is because of this additional FCC merger condition that BAND now seeks waiver by this Commission of its policy against accepting interconnection agreement for filing prior to the CLEC's certification.

We agree with the idea expressed in the Motion that this Commission adopted our policy against the premature filing of interconnection agreements because numerous interconnection agreements, which were negotiated on a regional basis, were being filed when the competitive local exchange carriers (CLECs) concerned were not certified or even seeking certification in South Carolina. Indeed, the Commission's policy serves to avoid confusion and to avoid having the Commission's files and records contain agreements having no applicability to South Carolina.

Since BAND has now filed for a Certificate from this Commission, BAND asserts that waiver of the Commission's policy against premature filing in this case will not adversely affect the purposes behind the Commission's policy. In addition, as has been stated, the FCC required the filing of the agreement as a condition of the merger between Bell Atlantic and GTE. BAND requests waiver of the policy and approval of the interconnection agreement.

Since BAND has now filed its Application for a Certificate of Public Convenience and Necessity from this Commission, we agree that a waiver of our usual policy against the acceptance of interconnection agreements involving uncertificated carriers should be waived. However, since BAND has not actually received its

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Certificate, we are hesitant to give complete approval to the interconnection agreement, since BAND cannot furnish telecommunications services without a Certificate in any event. Accordingly, we waive our policy against the acceptance of interconnection agreements involving uncertified carriers in this case. However, we are willing to approve the interconnection agreement, only this approval will be contingent on approval of BAND's Certificate of Public Convenience and Necessity in the future by this Commission. Once the Certificate is approved, the interconnection agreement will be deemed approved.


We would note that BAND is prohibited from offering its services within the State of South Carolina without the authority that the Certificate provides.

This Order shall remain in full force and effect until further Order of the Commission.

BY ORDER OF THE COMMISSION:


Chairman

ATTEST:


Executive Director

(SEAL)